INTRODUCTION

The State of Michigan's Zoning Enabling Act 207 of the Public Acts of 1921 establishes the right of cities to divide the city into zones or districts where the use of the land and structures are regulated. The ordinance which establishes such regulations is known as the Zoning Ordinance.

This Act also provides for the formulation of a Board of Zoning Appeals (BZA), a quasi-judicial body responsible for hearing and deciding appeals that relate to interpretation of the Zoning Ordinance.

MEMBERSHIP

The Board of Zoning Appeals consists of nine members who are residents of the City, appointed by the Mayor and approved by City Council. Members serve without pay or compensation.

DUTIES

The Board of Zoning Appeals has the following duties:

- A. Hear and decide appeals about administrative decisions or determinations related to the Zoning Ordinance.
- B. Hear and decide appeals concerning reconstruction or restoration of Class A Nonconformities.
- C. Hear and decide appeals concerning decisions of the Planning Board related to the Zoning Code.
- D. Hear and decide appeals requesting variances to the dimensional requirements of the Zoning Code.

WHAT IS A ZONING APPEAL?

A zoning appeal is a request to waive a requirement of the Zoning Code. The most common appeals considered by the BZA are requests to obtain variances to the dimensional requirements of the Zoning Code.

Typically, these include: front, side, or rear yard variances, reduction in the amount of parking required by Code, or variances to allow less lot area for a residential unit than is required by Code. **The BZA is authorized under the Lansing Zoning Ordinance to grant only dimensional variances**.

HARDSHIP / PRACTICAL DIFFICULTY

Since variances involve permitting something not normally allowed by Code, it is necessary to establish that there is a **hardship** or **practical difficulty** in meeting the Code requirements and still being able to use the land in a **reasonable** way. The following criteria are set forth in the Code to determine hardship or practical difficulty.

- A. Compliance with Code will make it difficult to use the property in a reasonable manner. For example, when the existing layout of the structure is such that an addition (i.e., kitchen or bedroom) can only reasonably be placed in a certain location and that addition will be in conflict with a dimensional requirement of the Code.
- B. Hardship is not caused by action of the applicant; that is, the need of an oversized garage cannot be justified just to store already collected items or junk.
- C. Hardship is unique to this lot; that is, its size, shape, topography, or other physical characteristic created a hardship or practical difficulty.

STANDARDS FOR JUDGING VARIANCES

Once a practical difficulty or hardship has been established, the Board of Zoning Appeals evaluates each appeal request according to the following standards to determine its relationship to the subject property and compatibility with the surrounding area:

A. The proposed use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.

- B. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity, and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child/vehicle conflicts in residential districts.
- C. The location, size, intensity, site layout, and periods of operations of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
- D. The location and height of structures and joint driveways and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structure or unreasonably affect their value.

MEETING SCHEDULE

The **Board of Zoning Appeals** meets on the **second Thursday of every month**, unless otherwise notified, at **7:30 PM** in **City Council Chambers**, **10**th **Floor**, **Lansing City Hall**, **124 W. Michigan Ave**. The process takes 30 to 45 days.

PROCEDURES

- Obtain an application form in the Planning Office of the Department of Planning and Neighborhood Development, 316 N. Capitol Ave., Suite D-1, Lansing, MI 48933. Assistance is available when filling out the form. A site plan drawn to scale is required.
- 2. Completed applications are filed in the Planning Office.
- 3. The Planning Office staff prepares a letter or postcard that is mailed to surrounding owners and occupants within 300 feet of the subject property notifying them of the place, date, and time of the scheduled public hearing, as well as a description of what the applicant proposes. This letter is sent 10-15 days in advance of the public hearing.
- 4. Each appeal is then discussed at a staff meeting where an opinion is formulated based on the criteria and standards outlined in the Code, and the reasonableness of the proposed change.
- 5. The Planning Office staff prepares a report upon information gathered regarding the subject property and the surrounding area including items such as site size, existing land use, zoning, and development. This preliminary report is sent to the Board members approximately one week prior to the public hearing.
- 6. At the public hearing, staff will make a short presentation of the request and the staff's report. The petitioner, or a representative, will be called to speak, then other persons whether in favor of or opposed to the proposal.
- 7. At the close of public hearing on each case, the BZA discusses the merits of that appeal.
 - Following their discussion, a decision is made. The BZA may act to approve, approve with conditions, modify, or deny an appeal. If additional information is needed, the Board may act to table the appeal.
- 8. Once a decision has been made, a letter will be sent by the Secretary of the Board informing the applicant of the decision.

DECISIONS

DECISIONS OF THE BOARD OF ZONING APPEALS ARE FINAL. However, Board of Zoning Appeals decisions may be appealed to Circuit Court.

FEES

There is a required non-refundable filing fee payable to the "City of Lansing" through the Planning Office, 316 N. Capitol Ave., Suite D-1, Lansing, MI 48933. The fee schedule is established by City Council and is on the application.

QUESTIONS

All questions related to the Board of Zoning Appeals should be directed to:

ZONING INFORMATION DESK
Hours: Monday - Friday 8 AM - 12 PM
316 N. Capitol Ave., Suite C-1
Lansing, MI 48933
(517) 483-4069

This information provides a general guide to zoning appeals.

For <u>additional information</u>, please refer to the Planning and Zoning Code, available for review at the Zoning Information Desk, or on the City of Lansing's web page - <u>www.cityoflansingmi.com</u>